

REMARKS/ARGUMENTS

Status of the Claims

Upon entry of the present amendment, claims 1, 3-6, 8, 12, and 24-34 are pending. Claims 1, 6 and 8 are amended. New claims 34 and 35 are added.

Claim 1 is amended to delete recitation of “fibronectin” and “basic fibrinogen growth factor.”

Claim 6 is amended to delete recitation of “fibronectin” and “basic fibrinogen growth factor.”

Claim 8 is amended in accordance with the Examiner’s suggestion to correct a typographical error.

New claim 34 includes the language of originally filed claims 1-3. Support is found, for example, on page 21 of the specification.

New claim 35 includes the language of originally filed claims 3 and 6. Support is found, for example, on pages 21-22 of the specification. Support is also found, for example, on page 8, paragraph [036].

Rejection under 35 U.S.C. § 112, first paragraph, written description requirement

The Examiner has rejected claims 1, 4-6, 8, and 24-28 under 35 U.S.C. § 112, first paragraph, for the recitation of “basic fibrinogen growth factor.” This rejection is rendered moot by the elimination of this phrase from claims 1 and 6.

Nonstatutory Double Patenting Rejection

The Examiner has rejected claims 1, 3-6, 8, 12 and 24 under the judicially created doctrine of obviousness-type double patenting over claims 1-22 of U.S. Patent No. 6,506,365. Applicants defer responding to this rejection until there is an indication of allowable subject matter.

Rejections under 35 U.S.C. § 102

U.S. Patent No. 5,629,287 (“Brown”)

The Examiner has rejected claims 1, 4-6, 8, 12, 27 and 28 under 35 U.S.C. § 102(b) as allegedly anticipated by Brown. Applicants do not agree with the Examiner. However, in the interest of furthering prosecution, Applicants have deleted recitation of “fibronectin” from independent claims 1 and 6, thereby rendering this rejection moot.

To the extent that this rejection applies to new claims 34 and 35, Brown does not disclose or suggest using an antibody as a growth factor binding agent. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

U.S. Patent No. 5,869,616 (“Vogel”)

The Examiner has rejected claims 1, 4-6, 8, and 12 under 35 U.S.C. § 102(b) as allegedly anticipated by Vogel. Applicants do not agree with the Examiner. However, in the interest of furthering prosecution, Applicants have deleted recitation of “fibronectin” from independent claims 1 and 6, thereby rendering this rejection moot.

To the extent that this rejection applies to new claims 34 and 35, Vogel does not disclose or suggest attaching an antibody to a fibrin binding domain as a substitute for a metal chelate. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

U.S. Patent No. 6,613,563 (“Sosnowski”)

The Examiner has rejected claims 1, 3-6, 8, 12 and 24 under 35 U.S.C. § 102(e) as allegedly anticipated by Sosnowski. Applicants do not agree with the Examiner. However, in the interest of furthering prosecution, Applicants have deleted recitation of “basic fibroblast growth factor” from independent claims 1 and 6, thereby rendering this rejection moot. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

Greenberg, et al, Anal. Biochem. (1999) 266:153 ("Greenberg")

The Examiner has rejected claims 1, 4-6, 8, 12, 25 and 26 under 35 U.S.C. § 102(b) as allegedly anticipated by Greenberg. This rejection is respectfully traversed because Greenberg does not teach or suggest the claimed conjugates.

As the Examiner well knows, proper anticipation requires that the cited reference teach or suggest each and every element of a claim. M.P.E.P. § 2131.

In attempting to anticipate the presently rejected claims, Applicants understand the Examiner to propose Greenberg to disclose (i) a first $\alpha_4\beta_3$ integrin receptor attached to a solid support as a fibrin/fibrinogen binding moiety, (ii) a second $\alpha_4\beta_3$ integrin receptor attached to a solid support as a substance capturing moiety, wherein the first $\alpha_4\beta_3$ integrin receptor is indirectly bound to the second $\alpha_4\beta_3$ integrin receptor, and (iii) the second $\alpha_4\beta_3$ integrin receptor attached to a solid support bound to radioiodinated echistatin as a pharmaceutically active substance. See, pages 4-5 of the pending Official Action.

Applicants respectfully assert that what the Examiner proposes does not teach or suggest the claimed conjugates. Greenberg teaches that disintegrins such as echistatin competitively inhibit $\alpha_4\beta_3$ integrin receptor binding to native ligands (see, page 154, column 1 of Greenberg). Therefore, echistatin would competitively inhibit the binding of one $\alpha_4\beta_3$ integrin receptor to another integrin receptor. The second $\alpha_4\beta_3$ integrin receptor attached to a solid support binds to the first $\alpha_4\beta_3$ integrin receptor attached to a solid support *or* echistatin, but not both. The tripartite interaction proposed by the Examiner does not exist. Greenberg does not disclose or suggest a substance capturing moiety as a distinct element from a fibrin/fibrinogen binding moiety.

Because Greenberg does not teach each and every element of the present conjugates, this reference does not anticipate the rejected claims. Accordingly, the Examiner is respectfully requested to withdraw the present rejection.

Appl. No. 10/749,832
Amdt. dated September 29, 2005
Reply to Office Action of July 22, 2005

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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